

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Christina Vuong	Team: Team # 3	CCRB Case #: 201410282	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Friday, 10/03/2014 8:18 PM	Location of Incident: Vicinity of § 87(2)(b) Mother Gaston Boulevard/Dean Street, 73rd Precinct stationhouse	Precinct: 73	18 Mo. SOL 4/3/2016	EO SOL 4/3/2016	
Date/Time CV Reported Tue, 10/07/2014 1:58 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 10/07/2014 1:58 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. DT3 Jason Morales	6643	933054	NARCBBN
2. DT3 Carlos Thomas	06541	916794	NARCBBN
3. DT3 Nasson Innocent	2271	936795	NARCBBN

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Afzal Ali	03872	936116	NARCBBN
2. DT3 Peter Hoeflinger	03870	923952	NARCBBN
3. DT3 Angelo Cuzzo	01628	918580	NARCBBN
4. DT1 Raymond Ramos	07599	902247	NARCBBN

Officer(s)	Allegation	Investigator Recommendation
A.DT3 Jason Morales	Abuse: In the vicinity of § 87(2)(b) in Brooklyn, Det. Jason Morales damaged § 87(2)(b)'s property.	
B.DT3 Jason Morales	Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales used physical force against § 87(2)(b)	
C.DT3 Jason Morales	Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales used a chokehold against § 87(2)(b)	
D.DT3 Jason Morales	Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales restricted § 87(2)(b)'s breathing.	
E.DT3 Nasson Innocent	Force: At the 73rd Precinct stationhouse, Det. Nasson Innocent used physical force against § 87(2)(b)	
F.DT3 Nasson Innocent	Discourtesy: At the 73rd Precinct stationhouse, Det. Nasson Innocent spoke rudely to § 87(2)(b)	
G.DT3 Nasson Innocent	Abuse: At the 73rd Precinct stationhouse, Det. Nasson Innocent refused to provide his shield number to § 87(2)(b)	

Officer(s)	Allegation	Investigator Recommendation
H.DT3 Carlos Thomas	Abuse: At the 73rd Precinct stationhouse, Det. Carlos Thomas refused to provide his shield number to § 87(2)(b)	
I.DT3 Jason Morales	Discourtesy: At the 73rd Precinct stationhouse, Det. Jason Morales spoke rudely to § 87(2)(b)	

Case Summary

On October 3, 2014 at 8:18 p.m., Det. (then PO) Jason Morales, Sgt. Afzal Ali, and Det. Raymond Ramos of Narcotics Borough Brooklyn North arrested § 87(2)(b) in front of § 87(2)(b) in Brooklyn for engaging in a drug transaction § 87(2)(e). § 87(2)(b) was searched and placed in the back of the officers' unmarked car. As the car was in motion, Det. Morales allegedly threw § 87(2)(b)'s cigarette boxes, which were recovered during the search, out the window (**Allegation A**).

The officers drove him to the vicinity of Mother Gaston Boulevard and Dean Street in Brooklyn, where the prisoner van was parked. Det. Nasson Innocent and Det. Carlos Thomas of Narcotics Borough Brooklyn North were assigned to the prisoner van. An officer identified by the investigation as Det. Morales allegedly pushed § 87(2)(b) on his chest (**Allegation B**). Det. Morales then allegedly grabbed the front of § 87(2)(b)'s neck and squeezed, restricting his breathing (**Allegations C and D**).

At the 73rd Precinct stationhouse, while leading him to the cell area, Det. Innocent allegedly grabbed § 87(2)(b) by his hoodie and pushed him several times into a wall (**Allegation E**). Det. Innocent also allegedly said to § 87(2)(b) "I'm the wrong motherfucker to fuck with tonight" (**Allegation F**). Det. Innocent and Det. Thomas allegedly failed to provide their shield numbers to § 87(2)(b) upon request (**Allegations G and H**). Det. Morales allegedly called § 87(2)(b) a "fat motherfucker" before placing him into the van to Brooklyn Central Booking (**Allegation I**).

§ 87(2)(b) also alleged that the officers failed to voucher approximately \$300 in cash and an unlimited MetroCard. § 87(2)(g)

On § 87(2)(b) while still in police custody, § 87(2)(b) received psychiatric medication and treatment for shoulder and wrist pain at § 87(2)(b).

§ 87(2)(b) was arrested and charged with § 87(2)(b)

On December 20, 2014, this case was reassigned from Investigator Daniel Giansante to the undersigned investigator § 87(2)(g)

Mediation, Civil and Criminal Histories

- Because § 87(2)(b) was arrested, this case was ineligible for mediation.
- On § 87(2)(b) § 87(2)(b) filed a notice of claim against the City of New York, alleging that \$300 of his money and three packs of cigarettes were not vouchered during his arrest (encl. G2a-c). He further stated that PO Morales threw two of those packs of cigarettes out the car window and kept another pack for himself. § 87(2)(b) is seeking \$321 in compensation. On May 1, 2015, an email was sent to § 87(2)(b) of the New York City Comptroller's Office requesting the status of § 87(2)(b)'s civil suit, and is pending a response (encl. G1).

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- § 87(2)(b) previously filed CCRB § 87(2)(g)

- Det. Morales has been a member of the service for 11 years and there are no substantiated CCRB allegations against him (encl. A1-2). Three prior force allegations were closed as unfounded, exonerated, and unsubstantiated, two refusal to provide name/shield allegations were unsubstantiated, and a discourtesy allegation was unsubstantiated.
- Det. Innocent has been a member of the service for 10 years and there are no substantiated CCRB allegations against him (encl. A3). A prior force allegation was closed as victim uncooperative.
- Det. Thomas has been a member of the service for 19 years and there are no substantiated CCRB allegations against him (encl. A4). Two prior force allegations were unfounded and unsubstantiated, and two discourtesy allegations were unfounded and unsubstantiated.

Potential Issues

- § 87(2)(b) stated that “§ 87(2)(b) who resides in the same men’s shelter as § 87(2)(b) identified by the investigation as § 87(2)(b) was also arrested during the incident and potentially witnessed allegations at the 73rd Precinct stationhouse. A Lexis-Nexis search was negative for any matches of individuals with his name (or similar-sounding) and date of birth. On January 22, 2015, Linda Mills of the New York City Department of Homeless Services stated via phone that § 87(2)(b) was presently assigned to the § 87(2)(b) men’s homeless shelter at § 87(2)(b) in Brooklyn. § 87(2)(b)’s arrest report was sealed (encl. E26-28), but his arrest entry in the Command Log (encl. E1) confirmed this address. § 87(2)(b) did not respond to the two please call letters mailed to him at the shelter on January 22, 2015 and February 4, 2015.
 - On January 23, 2015, § 87(2)(b) stated via phone that her agency would be unable to serve a subpoena for a phone statement or in-person interview on a potential resident who is not compelled to utilize the services of the shelter to which he is assigned.
 - On April 20, 2015, the Field Team attempted to deliver a subpoena for § 87(2)(b) at the shelter, but was informed by the site supervisor, § 87(2)(b) that § 87(2)(b) was not present at the time, noting that residents return to the shelter by 10 p.m. curfew. The supervisor refused to take the subpoena, stating that he could not accept mail on § 87(2)(b)’s behalf.
 - On the same date, a subpoena was mailed to § 87(2)(b) requesting his appearance at the CCRB on May 1, 2015.
 - On May 1, 2015, § 87(2)(b) failed to appear at the CCRB as mandated by the subpoena.
 - A check of the New York City Department of Correction database on May 1, 2015 revealed that § 87(2)(b) is not presently incarcerated.
- On February 9, 2015, fieldwork was conducted at Mother Gaston Boulevard and Dean Street, and two potential witnesses who resided on the block were located, § 87(2)(b) and § 87(2)(b) (encl. C23). § 87(2)(g) stated that he was moved from an unmarked sedan into a prisoner van by a single officer, and he never alleged he was taken down to the ground (encl. C5-11). In contrast:
 - § 87(2)(b) described a single unmarked car at the scene and a verbal interaction between one plainclothes officer and a black man with braids that involved a complaint of being stopped (encl. C30-33). There was no physical interaction.
 - § 87(2)(b) described a situation where five officers encircled a black man, who was not initially handcuffed, and pushed him against the hood of a car before all of them struggled with him on the ground (encl. C25-29). The man was then placed into the back of a black Impala. § 87(2)(b) did not observe a van at the location.
 - Therefore, the investigation determined that § 87(2)(b) and § 87(2)(b) described different occurrences and did not witness this particular incident.

- Neither a Google Streetview map of nor fieldwork at Mother Gaston Boulevard and Dean Street revealed any available video footage of the incident (encl. B2, C22).
- No additional officers or civilians were interviewed for the following reasons:
 - According to § 87(2)(b) the allegations at the stationhouse did not occur inside of the prisoner holding pen. § 87(2)(b) did not indicate that anyone but § 87(2)(b) with whom he was brought to the stationhouse, witnessed the allegations. Therefore, no other prisoners inside of the prisoner holding pen were contacted.
 - The allegations involving Det. Innocent occurred in a stationhouse hallway, the allegation involving Det. Thomas occurred in the arrest processing room, and the allegation involving Det. Morales occurred outside of the stationhouse. § 87(2)(b) and the five interviewed officers did not indicate any other officers were present when the misconduct at the stationhouse allegedly occurred. § 87(2)(b)

Police Documents

- § 87(2)(b)'s arrest report noted that he was charged with § 87(2)(b) for § 87(2)(e) (encl. D4-6). § 87(2)(e)
- § 87(2)(b) was eventually charged with § 87(2)(b).
- § 87(2)(b)'s arrest report and arrest entry in the 73rd Precinct Command Log noted his physical and mental condition as "apparently normal" (encl. D4-6, E1).
- § 87(2)(b)'s arrest photo showed no visible signs of injury to his face, head, or neck (encl. C21).
- The only property and arrest evidence vouchered during § 87(2)(b)'s arrest was \$20 in cash and pre-recorded buy money (encl. D8-10).
- The Narcotics Borough Brooklyn North 73rd Precinct module's October 3, 2014 tactical plan listed the following officers: Det. Morales, Sgt. Ali, and Det. Ramos were assigned to the leader car, Det. Thomas and Det. Innocent were assigned to the prisoner van, and Det. Angelo Cuzzo and Det. Peter Hoeflinger were assigned to the chase car (encl. E2).
- The 73rd Precinct Tour 3 Roll Call showed that PO Wilfredo Cruz of the 73rd Precinct was the assigned male cell attendant (encl. E13-25).
- The 73rd Precinct Prisoner Holding Pen Roster on October 3, 2014 and October 4, 2014 showed three male prisoners, § 87(2)(b), § 87(2)(b), and § 87(2)(b), already lodged in the prisoner holding pen at the time § 87(2)(b) was brought to the stationhouse (encl. E11-12).

Medical Records

- § 87(2)(b)'s § 87(2)(b) medical records from § 87(2)(b) show that he complained of bilateral shoulder pain and right wrist pain after resisting arrest in an unspecified manner (encl. I1-16). He also complained of a neck abrasion, and requested psychiatric medication for his paranoid schizophrenia. He did not attribute his pain to any specific actions on the part of officers. A physical exam noted a minor neck abrasion but was otherwise normal. X-rays of his shoulders and right wrist were unremarkable.

Findings and Recommendations

Explanation of Subject Officer Identification

- During a photo viewing on February 5, 2015, § 87(2)(b) was shown photos of the seven officers listed in the Narcotics Borough Brooklyn North 73rd Precinct module's October 3, 2014 tactical plan:

Det. Morales, Sgt. Ali, Det. Ramos, Det. Thomas, Det. Innocent, Det. Angelo Cuozzo, and Det. Peter Hoeflinger (encl. C13-20).

- § 87(2)(b) recognized Det. Morales as the officer who discarded his cigarette boxes and later used profanity towards him. § 87(2)(g).
- § 87(2)(b) recognized Det. Thomas as one of the officers in the prisoner van, but did not attribute any allegations to him. § 87(2)(b) also recognized Det. Ramos to be present at the stationhouse, but did not attribute any allegations to him.
- While he did not definitively recognize Det. Innocent's photo to initial it, he stated that Det. Innocent's photo bore resemblance to the eyes and race of the black male officer who used physical force against him at the stationhouse.
- Although § 87(2)(b) stated that Det. Thomas placed § 87(2)(b) into the rear of the prisoner van, Det. Morales and Det. Innocent both stated that Det. Morales was the only officer to do so (encl. D11-14, D22-23). § 87(2)(g).
- § 87(2)(b) described the officer who pushed him, cursed at him, and failed to provide his shield number at the stationhouse as a 6'2" tall, 170-lb slim black man of Haitian descent in his early 30s. Because Det. Innocent generally matches that description in that he is a 5'11" tall, 170-lb black man (encl. D38), whom Det. Morales confirmed as Haitian, and Det. Innocent acknowledged escorting § 87(2)(b) to the cell area, § 87(2)(g).
- § 87(2)(b) described the second officer who failed to provide his shield number at the stationhouse as 5'8" tall heavy-set black man in his early 40s, whom he asked while being fingerprinted. Because Det. Thomas, a § 87(2)(b)-old, 5'6" tall, 200-lb black/Hispanic man is the only one of the seven officers who matches that physical description (encl. D36), and because Det. Thomas stated that either he or Det. Innocent fingerprinted § 87(2)(b) § 87(2)(g).

Allegation not pleaded

- **Abuse of Authority:** § 87(2)(e)

§ 87(2)(g)

Recommendations:

Allegation A-Abuse of Authority: In the vicinity of § 87(2)(b) in Brooklyn, Det. Jason Morales damaged § 87(2)(b)'s property.

It is undisputed that Det. Morales searched § 87(2)(b) incident to his lawful arrest, and that Det. Morales sat in the rear of the unmarked car with § 87(2)(b) as the officers drove him to the prisoner van.

§ 87(2)(b) alleged that Det. Morales had recovered two cigarette boxes during the search, and threw them out the car window as the car was in motion (encl. C5-11). Det. Morales only recalled recovering the pre-recorded buy money from § 87(2)(b) during his search (encl. D11-14). Sgt. Ali and Det. Ramos did not recall if any items were recovered during Det. Morales' initial search (encl. D17-18, D30-31). The officers denied that cigarette boxes or any of § 87(2)(b)'s personal effects were thrown from the car window.

Only cash and pre-recorded buy money was vouchered during § 87(2)(b)'s arrest (encl. D8-10).

§ 87(2)(g)

Allegation B- Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales used physical force against § 87(2)(b)

Allegation C- Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales used a chokehold against § 87(2)(b)

Allegation D- Force: At Mother Gaston Boulevard and Dean Street in Brooklyn, Det. Jason Morales restricted § 87(2)(b)'s breathing.

§ 87(2)(b) alleged that Det. Morales shoved § 87(2)(b)'s chest, causing him to fall backwards into the rear of the prisoner van and his back to strike the bumper. Det. Morales then allegedly grabbed the front of his neck and squeezed for five to ten seconds, restricting his breathing. § 87(2)(b) acknowledged vocalizing displeasure with being searched before he was placed into the prisoner van, but did not indicate physically resisting at any time. No other prisoners were inside of the van at the time the actions allegedly occurred. A fieldwork canvass of the location did not yield any plausible witnesses to the incident.

Det. Morales, who stated that he had no difficulty in handcuffing § 87(2)(b) during his arrest, also stated that he had no difficulty in leading § 87(2)(b) who did not physically resist in any way, from his RMP to the prisoner van. Det. Morales denied pushing § 87(2)(b) putting his hand around § 87(2)(b)'s neck and squeezing. Det. Morales did not see § 87(2)(b) fall in the van or contact the bumper. There was no indication to Det. Morales that § 87(2)(b)'s breathing was restricted at any point. Det. Thomas (encl. D26-27), Det. Innocent (encl. D22-23), Sgt. Ali, and Det. Ramos consistently stated that there was no difficulty in transferring custody, and they denied witnessing any of the force allegations.

§ 87(2)(b)'s arrest paperwork and arrest entry in the Command Log note his physical and mental condition as “apparently normal” (encl. D4-6, E1). There is no indication in the arrest narrative or charges that § 87(2)(b) resisted arrest at any time. His arrest photo shows no visible injury to his face, head, or neck (encl. C21).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation E- Force: At the 73rd Precinct stationhouse, Det. Nasson Innocent use physical force against § 87(2)(b)

Allegation F- Discourtesy: At the 73rd Precinct stationhouse, Det. Nasson Innocent spoke rudely to § 87(2)(b)

Allegation G- Abuse of Authority: At the 73rd Precinct stationhouse, Det. Nasson Innocent refused to provide his shield number to § 87(2)(b)

Allegation H- Abuse of Authority: At the 73rd Precinct stationhouse, Det. Carlos Thomas refused to provide his shield number to § 87(2)(b)

Allegation I- Discourtesy: At the 73rd Precinct stationhouse, Det. Jason Morales spoke rudely to § 87(2)(b)

§ 87(2)(b) alleged that as Det. Innocent led him from the front desk towards the cell area, he grabbed § 87(2)(b)'s hoodie collar, pushed him several times backwards into a wall, and said, "I'm the wrong motherfucker to fuck with tonight." He alleged that Det. Innocent did not respond to or otherwise acknowledge § 87(2)(b)'s subsequent verbal request for his shield number. Det. Innocent and Det. Thomas did not recall any difficulty in leading § 87(2)(b) to the cell area, and did not recall § 87(2)(b) having made any statements. Det. Innocent denied pushing § 87(2)(b) into the wall or cursing at him, and did not hear § 87(2)(b) request any officer's shield number. No other interviewed officer witnessed these allegations.

§ 87(2)(b) alleged that while fingerprinting him in the arrest processing room, Det. Thomas did not respond to or otherwise acknowledge § 87(2)(b)'s verbal request for his shield number. Det. Thomas denied this, and no other interviewed officer witnessed this allegation.

§ 87(2)(b) alleged that Det. Morales led him outside the stationhouse and called him a "fat motherfucker." Det. Morales denied this, and no other interviewed officer witnessed this allegation.

§ 87(2)(g)

Team:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date